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FIS920000282US1

09/759,016

00750434aa

Amendment dated 06/29/2006

Reply to office action mailed 03/29/2006

REMARKS

Claims 1-7 are currently pending in the application. By this amendment, claims 1, 4 and 5 are amended and claims 8-19 are added for the Examiner's consideration. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each.

The Examiner's consideration in a telephone interview on May 26, 2006, is acknowledged with appreciation.

The Examiner has rejected claims 1, 4 and 5 under 35 U.S.C. §112, second paragraph, as being indefinite because the term "as appropriate" in reference to whether resumes are appended is unclear. The foregoing amendment removes this ground of rejection.

The Examiner has rejected claims 1-7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,408,337 to Dietz et al. ("Dietz"). The above amendments to the claims substantially moot this ground of rejection by redrafting the independent claims to highlight features of the present invention not present in the Dietz reference.

Dietz describes a method for handling "body shop" contracting, where the administrative burdens of managing employees are outsourced to a third party vendor under contract. The human elements of the system are a) a manager responsible for setting up the arrangements, i.e. engaging for suitable personnel who can do the desired work (col. 2, lines 31-33 and 57-58); b) someone to approve the assignment (col. 2, lines 61-62); and c) someone to approve the time sheets submitted by the person doing the desired work (col. 3, lines 1-2). The Dietz system has a database management system that i) allows the engagement manager to store work assignments (col. 2, lines 57-58; col. 6, lines 10-14), ii) allows the assignment approver to access and approve the assignment (col. 2, lines 60-62), iii) allows the engagement manager to request a suitable worker or workers (col. 2, lines 31-33; col. 6, lines 6-8); iv)

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allows the worker to store time reports (col. 2, lines 62-64); and v) allows the time approver to access and approve the time reports (col. 3, lines 1-2). The Dietz method consists of 1) requesting a worker from a database (col. 2, lines 43-46) or from a vendor (col. 2, lines 34-35), 2) storing a work assignment in a database (col. 2, lines 57-58), 3) electronic communications (col. 5, lines 28-32) with a vendor to verify engagement of the worker, 4) upon verification, providing the worker with access to enter time reports into the database (col. , 5) accessing the database to approve time reports, and 6) upon approval of the time reports, compensating the vendor automatically.

It should be noted that Dietz includes reimbursable expenses in time reports (col. 8, lines 18-20), allows preferred vendors (col. 5, lines 56-58; col. 8, lines 31-32), provides for the engagement manager to request a preferred vendor (col. 8, lines 31-38), and provides that the work assignment may be created partially (col. 9, lines 56-59), or created after start of the engagement (col. 9, lines 62-64), or created by the vendor (col. 9, lines 65-66). The contractual framework contemplated by Dietz is a master contract with a vendor (col. 8, lines 46-50), supplemented for specific engagements (col. 2, lines 50-54, col. 10, lines 36-41). The manager of an engagement may issue worker requests to more than one vendor, to take advantage of competition (col. 5, lines 52-56), and there may be a hierarchy of preferred vendors who are given priority (col. 5, lines 56-58). Once a time report or a portion of time report has been approved, it cannot be modified by the reporting worker and is submitted for payment (col. 3, lines 5-11). Vendors may be compensated based on completion of deliverables rather than time (col. 8, lines 1-6). The Dietz DBMS provides a central location, accessible by all relevant parties, for information needed to establish and manage engagement of a worker for an assignment.

The present invention also provides for the engagement of workers for assigned tasks. However, technical skills needed for the performance of a services request are used by the SMA application, in conjunction with a supplier requisition

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catalog, to identify and prioritize suppliers. In the language of the specification, the identification of primary and secondary suppliers is developed by the SMA application "for each skill" (p. 6, line 14). This aspect of the invention is not found in Dietz. Further, the communications procedures of the invention and the automation thereof provide features neither described nor suggested by Dietz. For example, a work request can be sent to suppliers in priority sequence, as described at p. 3, lines 4-8, and at p. 6, lines 13-17. This allows a time period for higher priority suppliers to respond to the request before lower priority suppliers are given that opportunity. Further, the parties to a negotiation (i.e. the requestor and the suppliers to whom notice of a request have been sent) are notified whenever any party acts against the services request, as described at p. 3, lines 8-11, and at p. 6, lines 18-21. In particular, for example, when a request has been satisfied by acceptance of a candidate identified by one supplier, the other suppliers are so notified. This automatic procedure assures supplier participants in a competitive situation that they will be promptly notified.

The claims have been amended to highlight the foregoing differentiating aspects of the invention. It should be noted that while Dietz describes use of email communication between the participants, it is at the instance of the respective participants rather than at the instance of the automated system, except within the procuring company itself. See, for example, the discussion at col. 5, lines 27-46, where each sending of a request or a response is described in terms of the discretion of one of the human participants in the system. Contrast this with the treatment given by Dietz to the automatic generation of supplemental agreements (col. 6, lines 58-61), noting that the supplemental agreements may also be generated manually (col. 6, lines 61-63). Similarly, Dietz also provides for automatic payment of compensation, without needing an invoice (col. 7, lines 55-58). Also contrast Dietz' silence with respect to automatic notice (or any notice at all) to suppliers of closure of a request, with use of email to alert the time approver when the worker has marked a time report as "ready for approval" (col. 7, lines 41-43) and with use of email to alert the

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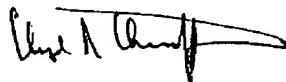
assignment approver when the assignment is completed (col. 10, lines 17-19). There is no suggestion in Dietz of any automatic notification to suppliers. The only automatic notifications described by Dietz are to the user's agents (i.e. the assignment approver and the time approver). In particular, there is no suggestion in Dietz of automatic notification of suppliers, who have been notified of a request, whenever a requestor performs an action against the request.

In view of the foregoing, it is requested that the application be reconsidered, that claims 1-19 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: clyde@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account 09-0458 (IBM-Fishkill).

Respectfully submitted,



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